

United States District Court
Eastern District of North Carolina
Western Division
Civil Suit: 5:12-CV-00714-BO

FILED

MAR 05 2015

JULIE RICHARDS JOHNSTON, CLERK
US DISTRICT COURT, EDNC
BY 4 DEP CLK

Loushonda Myers

In Propria Persona Plaintiff,

Vs.

**MOTION FOR COURT
ORDER**

THE STATE OF NORTH CAROLINA, et al
Defendants.

Plaintiff, Loushonda Myers, now respectfully demands a court order for the production of any court orders, warrants, and/or likewise for the use of cellular tracking, tracing, surveillance and/or the use of any electronic monitoring. The Plaintiff is demanding that this order be directed to AT&T Inc., AT&T Mobility, LLC and the United States Marshal Service.

On and/or around October 12, 2010 United States Marshal Service agents (also referred to as USMS herein) along with Johnston County Sheriff Officers conducted two search warrants on the Plaintiff's home. Following the execution of the second search warrant, Ms. Myers was arrested, searched, and confined to Johnston County jail. After being released, Ms. Myers consulted with an attorney and immediately notified the attorney of her beliefs of tracking, tracing, and/or surveillance that had been done on her and/or her phones.

Ms. Myers also made several attempts at obtaining this information during her criminal matters. Several attempts were made through her then attorney Mr. Steven Walker and Ms. Myers also requested this information during the unauthorized tax proceeding that were initiated against her. In addition, on November 8, 2011, Ms. Myers addressed her concerns on record in court in front of Judge Paul Gessner. District Attorney Adren Harris denied on record the use of any tracking, tracing, surveillance, and/or court order. So, Ms. Myers's attempts at obtaining this information was denied, hindered, and/or failed. However, during these civil proceedings it has been admitted by Bryan Konig and his attorney that the use of tracking and/or surveillance was in fact used.

It is the assertion of Bryan Konig and his attorney that the tracking, tracing, and/or surveillance had been done on a phone allegedly "known" to be used by Tyre Myers. However, Ms. Myers cannot rely on their assertions without facts. This is a Constitutionally protected Right to be free from all unwarranted government intrusion. Ms. Myers was never given this information even though it has been documented in the Superior Court of Johnston County, as well as this Court to her attempts at obtaining this information. The mere fact that Ms. Myers has presented evidence proving that this information was asked for and never supplied during her criminal matters in prima facie evidence of criminal activity and violations of her Constitutional Rights. Furthermore, Ms. Myers has presented an un rebutted affidavit to these facts. Ms. Myers un rebutted affidavit must be taken as fact.

Ms. Myers has the Right to review and/or investigate the court order(s), application, and/or information contained therein for the issuance of any court orders and/or warrants that would interfere with her Rights. It is not enough to say we had a warrant, if the basis for the warrant itself contains false, fabricated, and/or tainted information. Common sense and fairness

is all that is needed to realize this. (And, this is evident from the dismissal of Ms. Myers's criminal charges due to no probable cause for arrest.) Ms. Myers has a Right to inspect that information and proceed accordingly.

Ms. Myers wants it to be Judicially noted that from the onset she has stated that tracking, tracing, and/or surveillance occurred and was ignored and denied this crucial information. It needs to also be Judicially noted that Ms. Myers has provided numerous exhibits and/or documentation to that effect as well.

This information need to be forth coming due to the fact that it was the use of tracking, tracing, surveillance that brought the USMS and Johnston County Sheriff's Office to Ms. Myer's home (as admitted by Bryan Konig and his attorney) and that information must be inspected and reviewed by Ms. Myers in order to determine the lawfulness and whether or not the information used for application was in fact truthful. Again, it is not enough to state that a warrant and/or court order was obtained and the person affected is not allowed to review that information. This type of behavior would and did essentially strip Ms. Myers of her Fourth Amendment Right, as well as any other substantive and fundamental Right Ms. Myers has to privacy, freedom of movement, safety, and/or security from arbitrary intrusion upon her life and that of her children.

Ms. Myers is resting on the principles founded in the United States Constitution.

1. Freedom from unlawful searches is a Fourth Amendment Right.
2. Ms. Myers is a flesh and blood human being and no one has presented evidence to state otherwise.


3. Ms. Myers has the substantive Right to review what information and/or documentation was used in the application for any warrants and/or court orders that would take away and/or remove her Constitutional protections.
4. Ms. Myers has not been granted any Rights and/or privileges from the Constitution and/or any laws; the Constitution is a guideline to keep the government in check.
5. The production of this information has the ability to lead to a speedy resolution in the above referenced matter.
6. The production of this information is a substantive Right that must be honored pursuant to any oaths taken to uphold the United States Constitution; and to prevent encroachments on protected Rights.
7. Ms. Myers is demanding this court order as a matter of claimed Right.
8. The Supremacy Clause of the United States clearly and expressly defines what the Supreme law of the land is; and any law in any state and/or likewise notwithstanding.
9. Ignorance of the law can be no excuse and there is no excuse for those sworn to uphold the law to break the law.
10. Ms. Myers has clearly stated and claimed Rights by which she has previously provided enormous amounts of proofs, documentations, and/or evidence.
11. A court order is proper and within the powers of this Court.

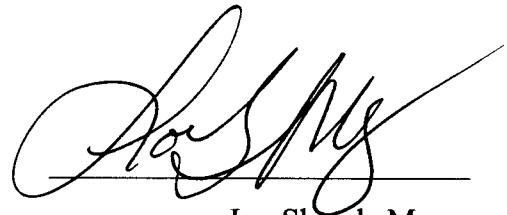
Therefore, for the reasons and matter presented above Ms. Myers is now demanding:

1. A court order be issued forthwith for the production of any and all court orders, warrants, and/or application for warrants as well as the information obtained for

the application; and information obtained from the use of tracking, tracing, and/or surveillance that was done on and/or around October 12, 2010;

2. Ms. Myers is demanding that this order be immediately issued to AT&T Inc., AT&T Mobility, LLC, and the United States Marshal Service;
3. The above named entities be made to comply with this court order within ten (10) days from issuance; and
4. Any and all remedy and/or relief that is just and proper.

This  day of March, 2015.



LouShonda Myers

In Propria Persona Plaintiff

Private Attorney General

27 Wateree Trail

Georgetown, South Carolina 29440

(843)527-2100

loushondamyers@yahoo.com

CERTIFICATE OF SERVICE

I, Loushonda Myers, certify that a copy of the foregoing has been delivered to the Defendants by mailing a copy via USPS first class mail addressed to the Defendants and other parties as follows:

Grant S. Mitchell and Ronnie M. Mitchell

(Attorneys for Defendants Sheriff Steve Bizzell, Captain A.C. Fish, Detective Kritch Allen, Detective Don Pate, Detective J. Creech, Detective J. Canady, Detective A. Case, Captain D. Daughtry, Lieutenant Stewart, Lieutenant Danny Johnson, Deputy Gillis, David Hildreth, James Gerrell, and Unknown Officers/Employees of the Johnston County Sheriff's Office)

P.O. Box 2917

Fayetteville, North Carolina 28302

AT&T Mobility, LLC

Ralph De La Vagas

1025 Lenox Park Blvd. NE

Atlanta, Georgia 30319

AT&T Inc.

Randall Stephenson

208 S. Akard Street

Dallas, Texas 75202

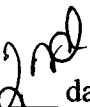
United States Marshal Service

Scott J. Parker

Federal Building

310 New Bern Avenue, Room 744

Raleigh, North Carolina 27611

This  day of March, 2015.



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In Propria Persona Plaintiff

Private Attorney General

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Georgetown, South Carolina 29440

(843)527-2100

loushondamyers@yahoo.com